

1 [Counsel Listed on Signature Pages]  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

12 In re JDS UNIPHASE CORPORATION  
13 SECURITIES LITIGATION

Master File No. C-02-1486 CW (EDL)

14 This Document Relates To:

**STIPULATION AND ORDER ON  
SCHEDULE FOR MOTION  
REGARDING SEQUENCING OF  
WITNESSES AT TRIAL AS MODIFIED**

15 ALL ACTIONS

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1           WHEREAS, on October 9, 2007, the Court held a Pre-Trial Conference;

2           WHEREAS, at the Pre-Trial Conference, the Court provided the parties guidance

3 concerning witness testimony at trial, including guidance as to the sequencing of live witness

4 testimony;

5           WHEREAS, the Court directed the parties to meet-and-confer as to which witnesses each

6 side will call during its case-in-chief;

7           WHEREAS, as instructed by the Court, the parties met-and-conferred on October 11,

8 2007, but were unable to reach agreement on all witnesses, including the Individual Defendants;

9           WHEREAS, because the parties have reached an impasse on this issue, and because the

10 parties require a resolution of this dispute to further develop their trial strategies, and because the

11 issue affects the travel plans of at least some of the witnesses, the parties agree that the matter

12 should be resolved as soon as possible through expedited briefing to the Court;

13           IT IS HEREBY STIPULATED by and between the parties, through their counsel of

14 record, that no later than 12:00 noon on October 13, 2007, Defendants may submit a motion

15 regarding the sequencing of live witness testimony, and no later than 9:00 a.m. on October 15,

16 2007, Plaintiffs may submit a response to Defendants' motion.

17           Dated: October 12, 2007

MORRISON & FOERSTER LLP

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By: /s/ Philip T. Besirof  
Philip T. Besirof

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Attorneys for Defendants  
JDS Uniphase Corporation, Jozef  
Straus, Anthony R. Muller, and  
Charles J. Abbe

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1 Dated: October 12, 2007

HELLER EHRMAN LLP

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By: /s/ Michael L. Charlson  
Michael L. Charlson

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Attorneys for Defendant  
Kevin Kalkhoven

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Dated: October 12, 2007

LABATON SUCHAROW & RUDOFF LLP

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BERMAN DEVALERIO PEASE TABACCO  
BURT & PUCILLO

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By: /s/ Barbara J. Hart  
Barbara J. Hart

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Liaison Counsel for Lead Plaintiff  
Connecticut Retirement Plans and Trust  
Funds

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PURSUANT TO STIPULATION, IT IS SO ORDERED, **EXCEPT THE PARTIES  
SHALL FILE A JOINT STATEMENT OUTLINING THEIR POINTS OF AGREEMENT  
AND INCLUDING EACH PARTY'S POSITION AND PROPOSAL REGARDING THE  
DISPUTED WITNESSES. THE JOINT STATEMENT SHALL BE FILED NO LATER  
THAN 9:00 A.M. ON OCTOBER 15, 2007.**

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10/12/07

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Dated: \_\_\_\_\_



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HONORABLE CLAUDIA WILKEN  
United States District Court Judge

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